

FILED
JUN 10 1962
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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Now, by special appearance, comes Sergio Ivan Gutierrez, the flesh and blood man, Sui Juris and unschooled in law, hereinafter referred to as me, my, I, or the like, to make the following AFFIDAVIT with clean hands, full disclosure and no intent to defraud, furthermore, the following first hand asseverations are true, complete, certain and not meant to mislead or delay.

21 1.) I am of legal age, competent to testify and under no legal
22 disability.
23 2.) Libellant has filed an action for declaratory judgment as a
24 result of libellee's breach of agreement.

23 2.) Libellant has filed an action for declaratory judgment as a
24 result of libellee's breach of agreement.

25 3.) Libellant has exhausted his administrative remedies in this

instant matter.

4.) Libellant seeks a default judgment as libellees have failed to rebut the complaint.

5.) Libellees have failed to ask for a more definitive statement and is in agreement with libellant.

OVERVIEW OF FACTS

6.) On 07/24/07 Libellees sent a presentment to me demanding Payment of a sum certain.

7.) I conditionally accepted that presentment upon OPTION ONE MORTGAGE'S continuing fiduciary duty to deal honestly and answer questions about the underlying obligation.

8.) I then sought to exhaust my administrative remedies.

9.) On January 14th I filed suit in UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA, Case number C 08-00247 JSW with the administrative procedure attached.

10.) THE RECORD shows that OPTION ONE MORTGAGE received service of summons on the 18th day of January 2008 at 8:22 A.M., see attached postal form 3806, registered mail number RA 465343694.

11.) The RECORD shows that OPTION ONE MORTGAGE has refused and/or failed to appear and defend.

12.) Twenty-eight days have passed since Case number C 08-00247 JSW was filed.

13.) OPTION ONE MORTGAGE has remained silent.

14.) OPTION ONE MORTGAGE is not an infant or incompetent person.

15.) The RECORD shows that no request for a more definitive statement was executed by OPTION ONE MORTGAGE.

16.) Federal Rules of Civil Procedure provide for default judgment by

the clerk for a failure to appear and defend [rule 55(a)].

17.) The Protest evidences OPTION ONE MORTGAGE'S agreement, consent and stipulation to my position.

18.) OPTION ONE MORTGAGE is in default.

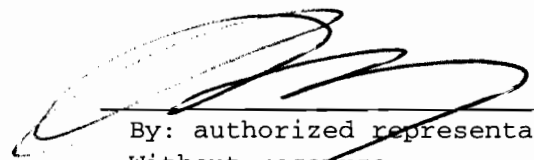
19.) A default judgment by the clerk establishing OPTION ONE MORTGAGE'S default is appropriate.

20.) A sum certain amount of USD 12,240,000.00 is due and owing libellant by libellee.

21.) OPTION ONE MORTGAGE and/or any other interested party has three days from the verified receipt of this VERIFIED NOTICE OF DEFAULT to rebut this AFFIDAVIT item by item and line by line or be forever esstopped by default.

My yea is my yea and my nay is my nay.

Dated this 10th day of March, 2008



By: authorized representative
Without recourse

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

5	SERGIO IVAN GUTIERREZ) Case Case No. C 08-00247 JSW
)
6	C/o 342 Athens Street,) CERTIFICATE OF SERVICE
)
7	San Francisco, California)
)
8	Zip Code Exempt,)
)
9	Libellant,)
)
10	vs.)
)
11	OPTION ONE MORTGAGE et. Al.)
)
12	C/o 6501 IRVINE CENTER DR.)
)
13	IRVINE, CALIFORNIA [92618])
)
14	Libellee,)

CERTIFICATE OF SERVICE

Now, by special appearance, comes Sergio Ivan Gutierrez, the flesh and blood man, Sui Juris and unschooled in law, hereinafter referred to as me, my, I, or the like, to make the following NOTICE with clean hands, full disclosure and no intent to defraud, furthermore, the following first hand asseverations are true, complete, certain and not meant to mislead.

NOTICE is hereby given that:

- 1.) I am of legal age, competent to testify and under no legal disability.
- 2.) This is to certify that on March 10, 2008 I placed a true and accurate copy of the enclosed VERIFIED NOTICE OF DEFAULT in the U. S. mail with postage prepaid and addressed as follows:

IRVINE, CALIFORNIA [92618]

Dated this 10TH day of March, 2008

CERTIFICATE OF SERVICE - 2 OF 2



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Track & Confirm

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Label/Receipt Number: **RA46 5343 694U S**
Status: **Delivered**

Your item was delivered at 8:22 AM on January 18, 2008 in IRVINE, CA 92619.

Track & Confirm

Enter Label/Receipt Number.

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7006 3450 0001 2039 4633

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

CERTIFIED MAIL™



7006 3450 0001 2039 4633
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U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark
Here

Sent To

Street, Apt. No.,
or PO Box No.

City, State, ZIP+4

OPTIONAL
6501 IRVINE CENTER
IRVINE, CA 92618

PS Form 3800, August 2006

See Reverse for Instructions